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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

|                       |                             |
|-----------------------|-----------------------------|
| In re                 | Case 24-22431-SHL           |
| SANTIAGO QUEZADA, SR. | Chapter 11, Subchapter V    |
| Debtor                | Re: ECF <a href="#">#45</a> |

**REPLY IN SUPPORT OF MOTION TO EXPAND TRUSTEE'S DUTIES**

1. We are over nine months into this Subchapter V case, with zero disclosure concerning the Debtor's Dominican assets beyond the deficient schedules, which the Debtor acknowledges must be amended. The Debtor also has yet to make FRBP 2015.3 disclosures due seven months ago.<sup>1</sup>

2. The Debtor does not appear to dispute the standard in *In re Corinthian Commc'ns, Inc.*, 642 B.R. 224, 233 (Bankr. S.D.N.Y. 2022) is met but contends the motion should be denied

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<sup>1</sup> Including bank statements in an operating report tells us nothing about the value or profitability of the Debtor's businesses, which is of course pertinent to the question of projected disposable income under 11 U.S.C. § 1191 and is plainly enough to pay for multiple homes in Westchester and the Dominican Republic, two late-model Mercedes GLS vehicles (ECF [#11](#) Schedule A/B) plus frequent travel (ECF [#48](#) ¶12) to the Dominican Republic.

because he “has retained his own counsel in the Dominican Republic to assist him in obtaining documents to demonstrate he is not the owner of the properties listed by Pizarro”<sup>2</sup> and “obtaining the necessary information and resolving legal issues in the Dominican Republic has taken time.” (ECF [#48](#) ¶¶8, 13.)

3. This does not move the needle. As this Court noted at the prior hearing, the expectation in a Subchapter V case is that the Debtor will file a confirmable plan within ninety days. We are now over nine months in with no plan beyond the un-confirmable placeholder filed at the ninety-day mark, no prospect for a confirmable plan and no disclosure concerning the Debtor’s Dominican assets or the value of his businesses beyond the deficient schedules and bank statements included in recently-filed operating reports. This is in contrast to *In re Velsicol Chemical LLC*, 2024 WL 4879960 (Bankr. N.D. Ill. Nov. 22, 2024), the sole decision relied on in opposition to the motion, where the court found that (at \*3) there were no significant questions regarding Debtor’s true financial condition or accuracy of disclosures. The Debtor is abusing the bankruptcy process including his exclusive right to file a plan under 11 U.S.C. § 1189(a) by not making appropriate disclosures and objecting to any investigation by the Trustee while keeping the protections of the stay.

4. The Debtor’s alternative argument (ECF [#48](#) ¶¶10, 15) that Maria can conduct her own investigation is disingenuous. The Debtor’s counsel was copied on the undersigned’s email (sent January 22, 2025 at 12:18 p.m.) to the Chambers address submitting a Word copy of the FRBP 2004 order and knows that no such order is entered yet. Indeed, the response states “[t]he application is still pending before the Court.” (ECF [#48](#) ¶4.)

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<sup>2</sup> No retention application was filed. There is no indication how the Debtor is paying Dominican counsel.

5. This argument also ignores that FRBP 2004 relies on subpoena power to take discovery of a nondebtor, which power is ineffective outside the United States.

6. The Debtor's claim that "[t]here has been no lack of disclosure" (ECF [#48](#) ¶13) ignores that no informal production has been made to Maria of any documents, whether concerning the Dominican assets, the value of the Debtor's businesses or otherwise.

7. At a minimum, in determining the motion, the Court should consider the view of the Trustee, to whom the Debtor claims to have made adequate disclosure. 11 U.S.C. § 1183(b)(3) (Trustee shall be heard at Subchapter V status conference).

Dated: New York, NY  
February 21, 2025

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